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LETTER DATED 14 MAY 1993 FROM THE PERMANENT REPRESENTATIVE OF
PAKISTAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF
THE SECURITY COUNCIL

On behalf of the members of the Security Council that are members of the Movement of Non-Aligned Countries (Cape Verde, Djibouti, Morocco, Pakistan and Venezuela), I have the honour to transmit herewith a memorandum containing our views and concerns with regard to the situation in Bosnia and Herzegovina.

I should be grateful if this letter, along with its enclosure, is kindly circulated as a document of the Security Council.

(Signed) Jamsheed K. A. MARKER
Permanent Representative

Annex

Memorandum dated 14 May 1993 containing the views and concerns of the members of the Security Council that are members of the Movement of Non-Aligned Countries with regard to the situation in Bosnia and Herzegovina

The members of the Security Council that are members of the Movement of Non-Aligned Countries (Cape Verde, Djibouti, Morocco, Pakistan and Venezuela), in view of the prevailing uncertainties and lack of clear direction as regards the conflict in Bosnia and Herzegovina, have found it necessary to convey to the Security Council the following views and concerns:

1. The efforts of the United Nations Protection Force (UNPROFOR) and the United Nations High Commissioner for Refugees, as well as those of international humanitarian organizations, particularly the International Committee of the Red Cross (ICRC), for the provision of humanitarian relief assistance to the people of Bosnia and Herzegovina are most admirable. The international effort led by the United States of America to air-drop humanitarian relief assistance to isolated pockets in that country is also commendable.
2. Nevertheless, throughout this conflict, the Council has been fundamentally unable to discharge its full responsibilities under the Charter of the United Nations to maintain international peace and security. The collective security system, as envisaged in the Charter, has failed to redress this tragic situation. This is evident from the fact that over two thirds of the country has been forcefully occupied by Serbs, whose aggression continues even as we speak. The international community continues to remain ineffective in responding to this aggression. On the other hand, Bosnia and Herzegovina has been effectively deprived of exercising its inherent right, enshrined in Article 51 of the Charter, to individual or collective self-defence, in what has been called a "moral rape" of that Republic.
3. The Caucus shares the position that there are now no alternatives to the peace plan. Nevertheless, serious doubts persist as to whether the Serbs will allow a peaceful settlement of the conflict in accordance with the plan. The signatures attached to the plan by the leadership of the three Bosnian communities have not prevented continued hostilities. This, in turn, raises a number of questions as to whether the political and military components of the plan can or will ever be implemented in the light of the realities of the situation. It also raises the question whether, and until when, the Council is prepared to take measures if the Serbs continue to reject the plan. If it is accepted, but not implemented, is the Council prepared to take enforcement measures to secure its implementation?
4. Successive measures have been adopted by the Council to limit the scope of the war, cope with its humanitarian consequences and sanction those, be it individuals or States, who have been deemed to have shared responsibilities bearing on the prevailing situation. Nevertheless, these measures, although designed to buttress the peace plan and cope with emergency situations, increasingly are becoming an end in themselves, instead of addressing the realities of the situation. These steps have not been able to curtail a

continued deterioration of the political and humanitarian situation in Bosnia and Herzegovina, nor do they allow for any clear guidance as to how or when the international community will be able to shift the focus of its policies from such piece-meal measures to comprehensive peace-keeping and post-conflict peace-building. Since the London International Conference on the Former Yugoslavia and up to the Vance-Owen plan, the Serbs have repeatedly deceived the international community and reneged on their commitments. The Serbs have used the negotiating process and the Vance-Owen plan not as a means to a peaceful solution, but as a vehicle for procrastination and for gaining international legitimacy.

5. It is regretted that in Athens the United Nations accepted that the Serb Party made a reservation to its signature of the peace plan under the representation of a non-existent republic and a so-called parliament. The Caucus believes that the international community should not have witnessed the signature of such document.

6. The scope of the risks faced by the international community, should the conflict not be contained and brought to an immediate end, are of such importance and magnitude that alternative policy options must be explored in order to cope with the intolerable developments presently fostering a continuation of the hostilities, the humanitarian crisis and the commission of crimes of genocide and ethnic cleansing.

7. It was in this context that the Caucus proposed the concept of guaranteed and protected safe areas which were regrettably not accepted at the time of the consideration of resolutions 819 (1993) and 824 (1993). The Caucus reiterates that such guaranties and protection are indispensable. Without them, as has been proven by recent developments, such safe areas provide no help to their inhabitants but rather force them into helpless submission.

8. The Caucus equally finds that both a lifting of the arms embargo and military action to eliminate heavy weapons continue to be, under the circumstances, options to deal with the crisis and to create conditions favourable to the viability of the peace plan. The Caucus believes that UNPROFOR should be given a mandate and resources commensurate with the humanitarian responsibilities with which it has been entrusted, in particular, as regards unimpeded delivery of humanitarian assistance. The Caucus equally insists that safe areas can and should be guaranteed and protected by UNPROFOR if, at all, any purpose is to be served by such a concept.

9. It has been argued by some that humanitarian assistance cannot be delivered through forceful action. The point has been reached in which the continued effort to negotiate humanitarian initiatives seriously impairs the stated goals of the international community. The Caucus believes that actions, such as those indicated above, are necessary and appropriate in the present circumstances. Not to have used or threatened to use enforcement measures will inevitably lead to a much more substantial use of force in the future. The repeated statements that force would never be used undermined the plan itself from the beginning and encouraged the aggressors. We should have all learned the most important lesson in this conflict: that the international community will not be respected until it decides to take effective actions.

10. The objective behind the Security Council decision to deploy UNPROFOR in Bosnia and Herzegovina was to put an end to the mass killings, the practice of "ethnic cleansing" and the annihilation of a people. In spite of the fact that the force was established under Chapter VII, its functions have been narrowly interpreted and its focus limited to the provision of humanitarian assistance and that, too, based on the consent of the perpetrators of the aggression. This restrictive interpretation, coupled with the denial of the inherent right of Bosnia and Herzegovina to invoke Article 51 of the Charter, has encouraged the Serbs to continue with their aggression. The Croats are now drawing their own lessons from this policy as evidenced by their recent major offensive. Time is running out for the victims of the conflict in Bosnia and Herzegovina. Time is only on the side of the aggressors.

11. In view of these considerations, the members of the Security Council that are members of the Movement of Non-Aligned Countries strongly appeal to other Council members to consider immediately the adoption of the following measures:

(a) New UNPROFOR mandate: A new and effective mandate for UNPROFOR with a substantial increase in its strength to enable it to provide protection and security to the people of Bosnia and Herzegovina in addition to the provision of humanitarian assistance. In this connection, the following steps are necessary:

- (i) A redeployment of UNPROFOR to provide adequate and effective protection and security to Sarajevo, Tuzla, Gorazde, Srebrenica, Bihac and Zepa as safe areas;
- (ii) To oversee and monitor the withdrawal of all heavy weapons of all the parties from these areas;
- (iii) To authorize Member States to undertake all necessary measures against heavy weapons that are not removed from designated areas;
- (iv) To authorize Member States to undertake all necessary measures, including military air strikes, with a view to ensuring the safety and security of United Nations personnel and the population under its protection if attacked;

(b) Right of self-defence: Recognize the inherent right of self-defence of Bosnia and Herzegovina, as a sovereign State Member of the United Nations, under Article 51 of the Organization's Charter;

(c) Possible extension of sanctions to Croatia: Extend economic sanctions to Croatia if within a given time the Croats' offensive actions are not stopped, particularly in the city of Mostar.

12. The preceding measures are necessitated by the tragic situation of a people being ethnically cleansed and living under a most inhumane and barbaric siege in cities and in other small pockets. They are facing a slow process of genocide in open jails like Srebrenica or ethnic cleansing like in the ghost town of Zepa. The Caucus believes that the preceding recommended measures are to be strictly interim in nature and are predicated on the exceptional circumstances of the situation and not in order to perpetuate the gains of ethnic cleansing.

The overall objective is and remains and complete reversal of the consequences of the Serbian aggression.

13. The conflict in Bosnia and Herzegovina is a test for the international community and, in particular, the Security Council. Bosnia and Herzegovina was admitted as a sovereign State Member of the United Nations on 25 June 1992. Since April 1992, Serbia had already embarked on a policy to carve out a Greater Serbia from the territory of former Yugoslavia. It is thus clear that this is not a civil war but rather is an international conflict in which a State enjoying international recognition has been subjected to external aggression.

14. On a larger perspective, the issue at hand is one of whether or not Members of the United Nations can rely on the provisions of the Charter for collective security when their very existence is at risk. In this connection, a special responsibility devolves upon the major Powers, members of the Security Council, to respond effectively to the situation and in conformity with the special status granted to them by the Charter. Failure to do so would have far-reaching consequences for international peace and security. States will necessarily lose confidence in the ability of the Council to safeguard their security as mandated by the Charter. Powers with expansionist ambitions will be emboldened to use force in pursuance of their illegitimate aims. On the other hand, States that feel threatened will have to rely on their national capacity to defend themselves with all the negative implications that this will have on arms build-up.

15. Bosnia and Herzegovina has become a symbol of the resistance to the resurgence of the crime of genocide. Since the beginning of the conflict, there have been more than 100,000 deaths, millions of refugees, thousands of women raped and innumerable cases of torture and detention in the most inhumane conditions. No one can claim ignorance or lack of knowledge of these facts.

16. Today's tragedy of the Bosnian people could become the tragedy of the world tomorrow. The moment has arrived for the Security Council to admit this reality, which the whole world has understood for a long time.
